



Crl.O.P.No.30390 of 2022

In the High Court of Judicature at Madras

Dated : 04.7.2023

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.30390 of 2022
& Crl.M.P.No.18625 of 2022

C.Irudhayra Raj

...Petitioner

Vs

J.Ayyakannu

...Respondent

PETITION under Section 482 of the Criminal Procedure Code praying to set aside the dismissal order dated 04.11.2022 passed in C.M.P.No.11779 of 2022 in C.C.No.1655 of 2015 by the learned Metropolitan Magistrate, Fast Track Court No.3, Saidapet, Chennai.

For Petitioner : Mr.N.Elayaraja
For Respondent : Mr.J.William Shakesphere

ORDER

This is a petition filed by the petitioner challenging the order passed by the Court below dismissing the miscellaneous petition filed under Section 91 of the Criminal Procedure Code (for short, the Code)



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for a direction to the respondent/complainant to furnish certain documents.

2. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The respondent/complainant filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act, 1881. This complaint was filed in the year 2015. The evidence on the side of the respondent was over and thereafter, the evidence on the side of the petitioner was also over. The case is at the stage of final arguments from 07.3.2020 onwards. It is at this stage, the miscellaneous petition came to be filed before the Court below under Section 91 of the Code for a direction to the respondent/complainant to furnish certain documents and it was dismissed by the Court below by the impugned order. Aggrieved by the same, the above criminal original petition has been filed.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on



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record.
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5. The Court below considered the miscellaneous petition in detail and assigned its reasons in paragraph 5 of the impugned order. The reasons that have been assigned by the Court below do not suffer from any illegality or infirmity warranting interference of this Court in exercise of its jurisdiction under Section 482 of the Code.

6. In the light of the above discussions, the above criminal original petition is dismissed and there shall be a direction to the Court below to complete the proceedings in C.C.No.1655 of 2015 within a period of two months from the date of receipt of a copy of this order and file a compliance report before this Court forthwith. Consequently, the connected Crl.M.P. is also dismissed.

04.7.2023

To

- 1.The Metropolitan Magistrate, Fast Track Court No.3, Saidapet, Chennai.
- 2.The Public Prosecutor, High Court, Madras.

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N.ANAND VENKATESH,J

RS

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